



**QUALCOMM Incorporated**

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March 29, 2006

**Via ECFS**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

**Re: Oral Ex Parte Presentation in WT Docket No. 05-7**

Dear Ms. Dortch:

This is to report that on March 28, 2006, I had a telephone conversation with Heather Dixon, Legal Advisor to Chairman Martin, relating to QUALCOMM's Petition for Declaratory Ruling, which is pending in the above-referenced docket. In this conversation, I told Ms. Dixon that QUALCOMM has been informed that MSTV is getting ready to make a filing in this proceeding to propose certain changes to the D/U ratios in Part 27 of the Commission's rules, which apply to MediaFLO, to impose a more stringent standard on MediaFLO than exists under current FCC rules when MediaFLO operates from a non-colocated transmitter located inside the Grade B contour of an adjacent channel TV or DTV station. I pointed out to Ms. Dixon that comments on QUALCOMM's Petition for Declaratory Ruling were due on March 10, 2005, and that any such filing by MSTV would be impermissibly late and should be disregarded by the Commission for that reason. MSTV has no legitimate reason for its one-year delay in making such a filing.

In addition, I stated to Ms. Dixon that there is no technical justification for changing the Part 27 D/U ratios for MediaFLO. Simply because MSTV is proposing changes to the D/U ratios to govern DTS facilities is no reason to alter the Part 27 D/U ratios. In fact, the Part 27 D/U ratios offer far more protection to TV and DTV stations than the corresponding Part 73 D/U ratios, which govern interference from TV and DTV stations to one another. Indeed, in planning its MediaFLO service, QUALCOMM has reasonably relied on the existence of the established Part 27 D/U ratios, and it would be grossly unfair and contrary to the public interest for the Commission to start from scratch now, a year after QUALCOMM filed its Petition, by considering revisions to the Part 27 D/U ratios. Furthermore, I noted that there is no software currently available for any revised D/U ratios, and until such software is developed and tested, there is no way to assess the widespread impact of changes to the D/U ratios, and it would

be grossly unfair and contrary to the public interest to delay issuance of a ruling on QUALCOMM's Petition, which has been pending for 15 months, to await the development and testing of such software, particularly in light of the fact that, again, there is no technical basis for revising the Part 27 D/U ratios to be applied to MediaFLO.

For all of these reasons, I urged the Commission not to consider any such proposal for revision of the Part 27 D/U ratios to be applied to MediaFLO and to issue a ruling as soon as possible on QUALCOMM's Petition for Declaratory Ruling.

Respectfully submitted,

/s/ Dean R. Brenner

Dean R. Brenner  
Vice President, Government Affairs

Cc: Heather Dixon, Esq.